

RECEIPT # 10455
 AMOUNT \$ 0.00
 SUMMONS ISSUED
 LOCAL RULE
 WAIVER OF
 MCF ISSUED
 BY OFFICE
 DATE 3/10/05

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS

FILED
 CLERK'S OFFICE
 10 MAR 10 P 2:39

EILEEN DICK,
 Plaintiff,

v.

AMERICAN AIRLINES, INC. and
 WORLDWIDE FLIGHT SERVICES, INC.
 Defendants.

DOCKET NO:

05-10455 GAO

NOTICE OF REMOVAL

MAGISTRATE JUDGE 10/1/05

The defendant, American Airlines, Inc., hereby petitions this Court that the above-entitled action, now pending against it in the Suffolk Superior Court, Civil Action No. 05-0466 be removed therefrom to this Court under 28 U.S.C. § 1332. In support of this notice, the defendant states as follows:

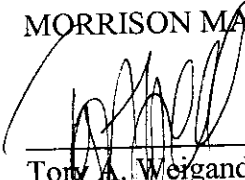
1. The defendant, American Airlines, Inc., received a copy of a summons, complaint, and statement of damages in this action. Upon information and belief there has not been proper service and American has filed this Notice of Removal within thirty days of receipt.
2. The defendant, American Airlines, Inc., at the commencement of this suit was and has since continued to be a Delaware corporation having its principal place of business in Fort Worth, Texas.
3. According to the allegations of the complaint, the plaintiff is an individual residing in Dorchester, Suffolk County, Massachusetts.

4. This is a civil action in which the plaintiff claims damages for personal injuries, incurred medical expenses and experienced suffering to her mind and body.
5. This action is governed by the Convention for the Unification of Certain Rules Relating to International Transportation by Air (the Warsaw Convention), because the plaintiff is alleging that the defendant air carrier caused them to suffer personal injury relating to an international flight. 49 Stat. 3000, 876 U.N.T.S. 11 (1934), reprinted in 49 U.S.C. app. § 40105.
6. Accordingly, the jurisdiction of this action is governed by 28 U.S.C. § 1331, which holds that “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”
7. Further, the parties to this action are diverse and therefore there exists diversity jurisdiction under 18 U.S.C. § 1332(a)(2).
8. Within thirty (30) days of filing of this Notice of Removal, the defendant shall file certified or attested copies of all records and proceedings in the

Suffolk Superior Court, and a certified or attested copy of all docket entries in the Suffolk Superior Court pursuant to L.R. 81.8 of this Court.

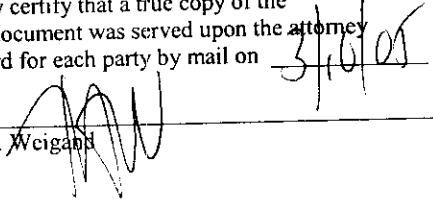
Respectfully Submitted,
The Defendant,
AMERICAN AIRLINES, INC.
By their attorneys,

MORRISON MAHONEY LLP



Tory A. Weigand, BBO #548553
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210-1181
(617) 439-7500 (main no.)
(617) 737-8827 (direct dial)

I hereby certify that a true copy of the
above document was served upon the attorney
of record for each party by mail on 3/10/05



Tory A. Weigand

FILED
CLERK'S OFFICE

2005 MAR 10 PM 2:39

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPT.
CIVIL ACTION NO.:

05-0466

EILEEN DICK
Plaintiff

05-10455 GAO

v.

AMERICAN AIRLINES, INC.

Defendant.

WORLDWIDE FLIGHT SERVICES, INC.

Defendant.

RECEIVED

FEB 07 2005

SUPERIOR COURT - CIVIL
MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

PARTIES

1. Plaintiff, Eileen Dick, is a natural person residing at 106 Greenbriar Street, Dorchester, Suffolk County, Massachusetts.
2. Defendant, American Airlines, Inc. is a foreign corporation with its principal place of business at P.O. Box 619616 MD 5675, 4333 Amon Carter Blvd, Fort Worth, Texas.
3. Defendant, Worldwide Flight Services, Inc is a foreign corporation with its principle place of business at 1925 W. John Carpenter Fwy., Ste. 450 Irving, Texas.

FACTS

4. At all relevant times herein, Defendant, American Airlines was a

SPILLANE LAW OFFICES

1212 HANCOCK ST
QUINCY, MA 02169-4300
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FAX: (617) 328-8373

1130 WASHINGTON ST
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TEL: (781) 828-9993
FAX: (781) 828-9924

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tenant of Miami Dade Airport.

5. At all relevant times, herein, Defendant Worldwide Flight Services, Inc. operated in Miami Dade Airport, including American Airlines terminals.

6. Eileen Dick was a lawful invitee on the premises of Defendant American Airlines.

7. Iris Baggy, the Plaintiff's mother, was a lawful invitee on American Airlines premises and placed in the care of an employee of co-Defendant, Worldwide Flight Services, Inc.

8. While on Defendant's, American Airlines' premises, and under the care of co-Defendant, Worldwide Flight Services, Inc., the Plaintiff was injured when her mom fell on her while riding down an escalator, sustaining substantial personal injuries.

COUNT 1: NEGLIGENCE
AMERICAN AIRLINES

9. The Plaintiff repeats, realleges, and incorporates fully paragraph 1 through 8 as if each were set forth in their entirety.

10. The Defendant, American Airlines owed a duty to the Plaintiff to make reasonable efforts to ensure that the companies they allow to operate on their premises do so with reasonable care.

11. The Defendant, American Airlines, was negligent when they breached their duty to ensure that Worldwide Flights, Inc. operated on their premises with due care.

12. As a direct and proximate cause of the Defendant's breach of its duty

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to exercise due care, the Plaintiff sustained personal injuries, incurred medical expenses, and experienced suffering to her mind and body

WHEREFORE, the Plaintiff demands judgment against the Defendant, American Airlines Inc., for monetary damages, interest, costs, and such additional relief as the court deems just and reasonable.

COUNT 2; NEGLIGENCE
WORLDWIDE FLIGHT SERVICES, INC.

13. The Plaintiff repeats, realleges, and incorporates fully paragraph 1 through 8 as if each were set forth in their entirety.

14. The Defendant, Worldwide Flight Services, Inc. owed the Plaintiff a duty to exercise reasonable care while operating in its capacity of transporting the Plaintiff's mother through the airport.

15. The Defendant, Worldwide Flight Services, Inc. was negligent in that they breached their duty to exercise reasonable care when their employee had the Plaintiff's mother, Iris Baggey attempt to stand on a moving escalator.

16. As a direct and proximate cause of the Defendant's negligence, Iris fell on the Plaintiff who sustained personal injuries to her mind and body and incurred substantial medical expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendant, Worldwide Flight Services, Inc. for monetary damages, interest, costs and such additional relief, as the Court deems just and reasonable.

DEMAND FOR JURY TRIAL

The Plaintiff demands a Trial by Jury on all issues so triable

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By Plaintiff's Attorney


Kathleen Kane, BBO No. 660175
Spillane Law Offices
1212 Hancock Street-Suite 200
Quincy, MA 02169-4300
(617) 328-9100

DATED: February 1, 2005

SPILLANE LAW OFFICES

♦ ♦ ♦ ♦ ♦

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Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 05-0466

Eileen Dick

, Plaintiff(s)

v.

American Airlines, Inc. and Worldwide
Flight Services, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon
Kathleen Kane, Esquire, Spillane Law Offices

plaintiff's attorney, whose address is 1212 Hancock Street, Quincy, MA, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, **Barbara J. Rouse**, Esquire, at Boston, the _____ day of _____, in the year of our Lord two thousand _____.

Michael Joseph Donovan
Clerk/Magistrate

A true copy Attest:

3/10/05

Deputy Sheriff Suffolk County

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) EQUITABLE RELIEF — (5) OTHER



CT System

Service of Process Transmittal Form
Boston, Massachusetts

02/23/2005

Via Federal Express (2nd Day)

RECEIVED

FEB 25 2005

Corporate Insurance

TO: Maria Swanzy
American Airlines, Inc.
4333 Amon Carter Blvd.
Fort Worth, TX 76155

RE: PROCESS SERVED IN MASSACHUSETTS

FOR American Airlines, Inc. Domestic State: De

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. **TITLE OF ACTION:** Eileen Dick, Pltf. vs American Airlines Inc., et al., Deft.
2. **DOCUMENT(S) SERVED:** Summons, Complaint
3. **COURT:** Commonwealth of Massachusetts, Suffolk Superior Court
Case Number 05-0466
4. **NATURE OF ACTION:** Negligence resulting in personal injury.
5. **ON WHOM PROCESS WAS SERVED:** CT Corporation System, Boston, Massachusetts
6. **DATE AND HOUR OF SERVICE:** By Process server on 02/23/2005 at 10:55
7. **APPEARANCE OR ANSWER DUE:** Within 20 Days
8. **ATTORNEY(S):** Kathleen Kane
Spillane Law Office
1212 Hancock Street
Ste. 200
Quincy, MA 02169

9. **REMARKS:** I-Note sent 02/23/2005 to MARIA.SWANZY@AA.COM

MORRISON, Mahoney &
Mittlen
250 SUMMER ST
BOSTON, MA
02210-
1181

Tony Weigand
P- 617-439-7514
Fax 617 439 7590

CC: Charles D MarLett Corporate Secretary
American Airlines, Inc.
MD 5675
4333 Amon Carter Blvd.
Ft. Worth, TX 76155

SIGNED CT Corporation System
PER Dahrlena K. Mitchell /YC
ADDRESS 101 Federal Street
Boston, MA 02110
SOP WS 0007019725

Information contained on this transmittal form is recorded for CT Corporation System's record keeping purposes only and to permit quick reference for the recipient. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information that can be obtained from the documents themselves. The recipient is responsible for interpreting the documents and for taking the appropriate action.



PLAINTIFF(S)

Eileen Dick

DEFENDANT(S)

American Airlines, Inc.
and Worldwide Flight Services, Inc.ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE
Kathleen Kane, Spillane Law Offices
1212 Hancock Street, Suite 200, Quincy, MA
Board of Bar Overseers number: 660175

RECEIVED

FEB 07 2005

Origin code and track designation

MICHAEL JOSEPH DONOVAN
CLERK - MAGISTRATE

Place an x in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)
- ☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)
- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
- ☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- ☐ 6. E10 Summary Process Appeal (X)

CODE NO.

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

B04

Other Negligence

TRACK

IS THIS A JURY CASE?

(F)

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
1. Total hospital expenses \$ 220.00
 2. Total Doctor expenses \$ 598.00
 3. Total chiropractic expenses \$ 0
 4. Total physical therapy expenses \$ 3,400.00
 5. Total other expenses (describe) \$ 0
- B. Documented lost wages and compensation to date Subtotal \$ 4,218.00
- C. Documented property damages to date \$ 0
- D. Reasonably anticipated future medical and hospital expenses \$ 0
- E. Reasonably anticipated lost wages \$ 15,000.00
- F. Other documented items of damages (describe) \$ 0
- G. Brief description of plaintiff's injury, including nature and extent of injury (describe) \$ 50,000.00
- Plaintiff suffered a right knee ACL tear, medial meniscus tear, and patella chondromalacia.
- TOTAL \$ 69,218.00

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

Kathleen Kane

DATE

2-1-05

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Eileen Dick

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) 617-328-9100
Kathleen Kane, Esq., Spillane Law Offices
1212 Hancock St., Suite 200, Quincy MA

DEFENDANTS

American Airlines, Inc.**
Worldwide Flight Services

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) (617) 439-7500
** Tory A. Weigand, Esq., Morrison Mahoney LLP
250 Summer Street, Boston, MA 02210

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input checked="" type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
49 U.S.C. App. § 40105

Brief description of cause:

personal injury while traveling on an international flight

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Tory A. Weigand, BBO #548553

FOR OFFICE USE ONLY

RECEIPT # AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

05 - 10455 GAO
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Eileen Dick v. American Airlines, Inc.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

not applicable

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (if yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Tory A. Weigand, BBO #548553

ADDRESS Morrison Mahoney, LLP, 250 Summer Street, Boston, MA 02210-1181

TELEPHONE NO. (617) 439-7500